In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 12531 of 2006 (O&M)

Date of Decision: 13.11.2006

Jagdish Chander

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Manmohan, Advocate,
Mr. Suman Jain, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made by the petitioner in the instant petition is for quashing communication dated 17.5.2005 (P-3) and Rule 9 Appendix B of the Haryana State Education Lecturer School Cadre (Group C) Service Rules, 1998 (P-9). It is admitted position that according to Rule 9 read with Appendix B, only those Masters/Mistress and Classical and Vernacular teachers are eligible to be considered for promotion who have requisite qualification. The petitioner has been working on the post of JBT teacher and prays that

he be considered equivalent to the post of Masters/Classical and Vernacular teachers merely because he fulfil the qualification being M.A. in English and having two years teaching experience as JBT teacher.

We have heard the learned counsel at some length. When the matter came up for consideration on 21.8.2006, the hearing was deferred to enable the counsel for the petitioner to make submissions as to how Rule 9 and Appendix B suffers from the vice of arbitrariness and violate the provisions of Articles 14 and 16 of the Constitution. However, again the submission made is that the petitioner is duly qualified and should be considered equivalent to Classical and Vernacular teacher and his experience as JBT teacher would be sufficient to answer the qualifications laid down in Appendix B of Rule 9. However, we are unable to persuade ourselves to accept the aforementioned submission because for JBT teachers like the petitioner separate channel of promotions have been made and for the cadre of Masters/Mistress and Classical and Vernacular teachers separate rules have been provided to consider them for promotion. If the post of JBT teacher is equated with that of Classical and Vernacular teacher then it would result into anomaly prejudicing the rights of the one cadre and another. Such a course is not available.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

November 13, 2006

Pkapoor